



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,251	07/29/2003	Ravinder Prakash	RPS9-2003-0094US1	6710
45219	7590	10/17/2006	EXAMINER	
KUNZLER & ASSOCIATES 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			PATEL, KANJIBHAI B	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/629,251	PRAKASH, RAVINDER	
	Examiner	Art Unit	
	Kanji Patel	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 10 and 18 is/are allowed.
- 6) Claim(s) 1,2,9,11,12,17,19 and 20 is/are rejected.
- 7) Claim(s) 3-8 and 13-16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/29/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. Information Disclosure statement submitted on 7/29/03 has been considered by the examiner.

Drawings

2. **Figure 1** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 9, 11-12, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (Figure 1, pages 1-3 of the specification) in view of Nishio et al. (US 7,068,818).

For claim 11 representative of claims 1 and 19-20, Applicant's admitted prior art (Figure 1; pages 1-3 of the specification) discloses a process for automatically adjusting the quality of a scanned image, the process comprising:

producing a processed image matrix by modifying each value in a scanned image matrix using a table of values assigned to each element of the scanned image matrix (pages 1-3 of the specification);

Applicant's admitted prior art does not clearly disclose determining the quality of the processed image matrix and storing a quality history and adjusting the quality of the processed image matrix if the quality history shows a decrease in quality. However, in an analogous environment, Nishio et al. disclose an image processing method (Figures 12-14) comprising determining the quality of the processed image matrix and storing a quality history (Figure 13; at least steps S 710, S720 and S730 determine the quality of the processed image and S740 stores the image quality adjustment information providing inherently the quality history information; see column 20 line 45 to column 21 line 24); and

adjusting the quality of the processed image matrix if the quality history shows a decrease in quality (Figure 14; steps S820, 830, 840, 850; see also column 21 line 25 to column 22 line 12). Both references are combinable because they both are dealing in the same field of image adjustment technology for adjusting the image quality. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the applicant's admitted prior art by including the teaching of Nishio et al. because doing so will provide suitable automatic adjustment of image quality when

a plurality of automatic adjustments of image quality are possible as mentioned at column 1 line 66 to column 2 line 2.

For claim 2, Applicant's admitted prior art disclose the apparatus of claim 1, wherein the quality adjustment module further comprises a table adjustment (Figure 1) module configured to change an entry in the table of values assigned to each pixel.

For claims 9 and 17, Nishio et al. disclose apparatus of claim 1, wherein the quality is determined using at least one quality parameter selected from the group consisting of an average brightness, a maximum brightness, a video gradient, and a contrast (column 20, lines 1-8).

For claim 12, Applicant's admitted prior art discloses the process of claim 11, wherein adjusting the quality of the processed image matrix comprises changing an entry in the table (Figure 1) of values assigned to each pixel (Figure 1; pages 1-3 of the specification).

Allowable Subject Matter

4. **Claims 3-8 and 13-16 and 18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other prior art cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prakash et al. (US 5,692,065) disclose an apparatus and method for determining image quality.

Yano (US 6,727,489 B2) discloses an automatic image-quality adjustment system.

Fujii et al. (US 6,018,361) disclose an apparatus for and method of measuring image qualities of color display unit.

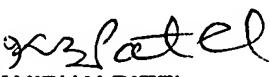
Ozaki et al. (US 5,438,4254) disclose a video signal processig apparatus with image quality adjustment.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kanji Patel whose telephone number is (571) 272-7454. The examiner can normally be reached on Monday to Thursday from 8 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bella, Matthew can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kanji Patel
Art Unit 2624
10/10/06


KANJIBHAI PATEL
PRIMARY EXAMINER